



## Flathead County

### Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



### CONDITIONAL USE PERMIT APPLICATION<sup>1</sup>

Submit this application, all required information, and appropriate fee (see current fee schedule)  
to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 700.-

#### PROPOSED USE (as described in the Flathead County Zoning Regulations):

High Impact Recreational Use -  
Wedding Venue

#### OWNER(S) OF RECORD:

Name: William H. + Alana Myers Phone: 837-2133

Mailing Address: 1010 Myers Lane

City, State, Zip Code: Bigfork, MT 59911

Email: alanamyers10@gmail.com

#### PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

#### LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street  
Address: 1010 Myers Lane S \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_

Subdivision  
Name: Ten Arrows Ranch Tract \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
No(s). \_\_\_\_\_ No(s). \_\_\_\_\_ No. \_\_\_\_\_

1. Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):

Bigfork Zoning District, SAG 5.

2. Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:

<sup>1</sup> Revised: 06/11/12

- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses



Consultation with Planner:

Date \_\_\_\_\_ Planner's Signature \_\_\_\_\_

**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
  - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

\*\*\*\*\*  
\*\*\*\*\*

*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*

\_\_\_\_\_  
Owner(s) Signature (all owners must sign)  
*Alana Myers*

*9-13-13*  
\_\_\_\_\_  
Date  
*9-10-13*

\_\_\_\_\_  
Applicant Signature (if different than above)

\_\_\_\_\_  
Date



## **A. Site Suitability.**

### **(1) adequate usable space**

There are only two buildings on subject 40 acres (8 -5 acre tracts) called "Ten Arrows Ranch". Parcel C has the Caretaker's Facility and seating area for ceremony. Parcel B has a barn. Parcel D IS NOT AFFECTED, although Neighbor A (whose property adjoins our Parcel D) was notified of meeting because we originally thought Parcel D would be utilized in our Wedding Venue. However, Parcel D will NOT be used if Permit is granted.

Caretaker's Facility utilizes less than one acre including landscaping, leaving over 39 additional acres for the use of guests for parking. All 40 acres are quite flat, with poor quality, sparse hay on it, and a dense 20-60 foot wide perimeter/buffer of evergreen trees around three sides of the 40 acres, acting as a noise and visual buffer on those 3 sides. No other homes can be seen from our home and barn, with the **nearest neighbor's home being 1,000' away** from our home and barn.

### **(2) adequate access**

The North side of property completely fronts a designated County Classified Collector Road. A perpendicular county standard, private paved road and easement leads in a straight line north and south to Caretaker's Facility and barn, separating the two parcels that have the Caretaker's Facility and barn on them (B and C). Because the entire road is paved, there is no issue with dust. The paved road and easement provides access to all 8 tracts on the Ranch. We also installed a county-approved cul-de-sac for use of any emergency vehicles to have easy turn-around access.

### **(3) absence of environmental constraints**

There are no environmental constraints. Parking is in our fields, with scruffy, low-growing, sparse hay. No dust. No stream or lake that could be polluted. Trees surround three sides on the perimeter of our property, further dampening any noise or music that may occur during weddings. The main thing that will dampen noise, however, is the long distance between our barn and our closest neighbors' homes. Attached is a google map, showing the distances from barn to our closest neighbors: (neighbor A) 1000 feet, (neighbor B) 1300 feet, and (neighbor C) 1190 feet. Any neighbor within 150' of subject property applying for a Conditional Use Permit must be notified of Board of Adjustment meeting to hear the issues on application for a Conditional Use Permit, which would NOT include neighbors bordering Parcel D (neighbor A), since Parcel D is not affected with this application. Please also note that while Neighbor A is actually closest to our barn at about 1,000', she is still almost 7 times FARTHER than the 150' threshold for notification. Neighbors B and C are about 1300' and about 1200' away respectively, or almost 9 times and 8 times farther than 150' away. **In summary, the neighbors who would be notified of Board hearing is because their LAND is within the 150' threshold, although their HOUSES are 1300' and 1200' away.**



We have been diligent to watch for and pick up any trash generated by guests on McCaffery Road, but have not noticed ANY increased volume of trash whatsoever.

## **B. Appropriateness of Design**

### **(1) parking scheme**

Parking is west of barn, on scruffy hay that is not thick enough to harvest. (We tried harvesting hay once, and lost money on the endeavor.) Cars can barely be seen from McCaffery Road, a designated County Classified Collector Road, which fronts the entire 40 acres on the north end. The Bigfork Fire Chief has personally inspected our property, and affirms it is NOT a fire hazard in any way to park on the scruffy grass. See Site Map for details, page 2. We will spray paint lines on the field to facilitate adequate parking and adequate space between cars and between rows of cars and to facilitate circulation.

### **(2) traffic circulation**

We have open, flat land, making it very easy to allow for dispersed parking and easy turn-around circulation. See Site Map for details, page 2.

### **(3) open space**

All 40 acres are flat and open, with the exception of a wide buffer of trees around most of the perimeter. See Google maps for reference.

### **(4) fencing and screening**

The only fencing is that which belongs to our neighbors for their livestock and one cross fence on our property. Our shelter belts of trees provide EXCELLENT screening: not only can we NOT see any adjacent houses/neighbors, neither can they see us!

### **(5) landscaping**

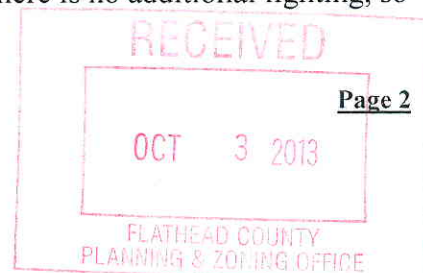
Landscaping is very limited: it only surrounds Caretaker's Facility. The other 39+ acres are intended to remain natural, and is not irrigated. We do, however, mow and water the scruffy grass in the parking area as needed.

### **(6) signage**

The only sign on our property is ground mounted on tall posts over the road at entrance to 40 acres, which has been there for almost 18 years, and simply says "Ten Arrows Ranch", similar to so many signs in the Valley to identify somebody's named property. Our sign measures about 18" tall, and 5' long. Neighbor C has a business sign clearly visible on McCaffery Road, which business may not be permitted. Neighbor A had a business sign on McCaffery Road for about two years, which is now down.

### **(7) lighting**

We have minimal lighting inside the barn, much like any barn would have if the owner had livestock and wanted to see inside in the evening. There is no additional lighting, so there is no light infringement to any adjacent property.





### **C. Availability of Public Services**

#### **(1) sewer**

We rent 2-4 porta potties for an event, which are serviced after every single weekly event. The number we rent depends on the number of guests expected. Portable sinks, paper towels, and hand sanitizer are available at the porta potty station. In checking with the Environmental Department of Flathead County Health Department, there are no requirements for number of porta potties for events/guests. Although there are no requirements, it is in the best interest of guests to have adequate and sanitary facilities, which we have.

#### **(2) water**

We have two wells on our property, both putting out more than 60 gallons per minute. Hoses are immediately and closely available and very visible should water be needed. Guests bring their own beverages, including bottled water, so even though we have an excellent, clean drinking water supply, it is not used. Environment Department of Flathead County Health Department verified that caterers must be licensed to serve food on our property, and that is something we will continue to require. We do not do catering ourselves, except for friends and family without charge.

#### **(3) storm water drainage**

Our soil is very sandy, which is partly why it's not very productive. We've never had any issues with storm water drainage in almost 18 years we've lived here.

#### **(4) fire protection**

Bigfork Fire Department would respond to any fires. The Bigfork Fire Chief personally inspected and verified our property is not a fire danger when cars drive/park on the fields. We had one wedding this summer that used "lanterns" that rise into the air with a candle inside. From that one night on, we have NOT allowed any lanterns or fireworks. If we are granted a permit, any lanterns will be banned from use on our Property. Proprietor Bill Myers is a Volunteer Fireman/Chaplain with Creston Fire Hall, so is very conscious of potential fire danger.

#### **(5) police protection**

Flathead County Sheriff would respond to any calls.

#### **(6) streets**

A "**Classified County Collector Road**" fronts the north end of our 40 acres, named McCaffery Road, 1/4 mile south of Echo Lake. We are about 1/3 mile west of Echo Lake Road, (which intersects McCaffery Road) and is another "**Classified County Collector Road**". We have very easy and close access to main thoroughfares. There is no neighbor that would be able to see cars driving onto our private road, as we are too far away from neighbors for them to see. Also, **Neighbors A, B, and C would not have any wedding**



**traffic visible EVEN ON the Classified County Collector Roads**, as traffic travels west off Echo Lake Road onto McCaffery Road to access our private road, called Myers Lane. Neighbor A is over 1,000 feet from McCaffery Road behind a large and very high hedge of evergreen trees between her home and McCaffery Road. Neighbor B is “nestled in deep woods”, with no access to McCaffery Road, and about 2500 feet away from McCaffery Road. Very little wedding traffic would travel past Neighbor C’s home, as they are located west of us, beyond where guests would turn onto our private road, called Myers Lane, which is clearly marked with a traditional green street sign up on a metal post.

#### **D. Immediate Neighborhood Impact**

##### **(1) excessive traffic generation**

We have counted the number of cars coming to events, and it is between 10 and 61. Average number is 29. This number is far less than the traffic that would be generated by other Permitted and Conditional Uses: for example, a rodeo arena, RV park, school, air strip, golf driving range, commercial kennel, or manufactured home park, ***all of which are conditional uses*** in our SAG-5 Zoning (Flathead County Zoning Regulation 3.08.030). The traffic impact generated with this application is very seasonal, and occurs only one day per week during summer, unlike the above listed conditional uses that ***would generate traffic DAILY and YEAR ROUND***. Under Flathead County Zoning Regulation 3.08.020, PERMITTED USES include day care centers, cluster housing, and a manufactured home park. These PERMITTED uses would generate MUCH more traffic and noise than a Wedding Venue, which would only generate traffic 20 days out of 365 days in a year. McCaffery Road joins Echo Lake Road on the east end to Highway 35 on the west end, so is already generating considerable traffic, servicing all those who live on both sides of McCaffery Road. The cars parked on our property can barely be seen from McCaffery Road, both because of the distance and because there is a very slight rise in the ground between parking and McCaffery Road, so there is no issue of visual decline.

**Under Section 7.17.040 of Flathead County Zoning Regulations**, we read a definition of “Recreational Facilities”, which is being highlighted here to show that Wedding Venues do indeed, fall under this category for Conditional Use application, and is the category under which Flathead County Planner BJ Grieves has given approval for application.

The “use of our property not otherwise listed in these regulations (are) to accommodate the enjoyment....and leisure of the facility’s users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement.” **SAG-5 zoning allows for HIGH IMPACT Recreational Use, so that category under which our application applies will be contrasted here for the purpose of showing that our intended use of**





**Wedding Venue has a MUCH LOWER IMPACT THAN WHAT WE COULD BE APPLYING FOR as per Zoning Regulations.**

**Under 7.17.040, item #1, Land Intensity** is addressed. High Impact use (approved for SAG-5 Zoning) would be a golf course or ski area, which clearly would require the use of ALL 40 acres. Our Wedding Venue would only utilize about 2 acres for the Caretaker's Facility, benches in the seating area, the barn for reception, and parking. Even a "Low Impact" use listing of an Archery Range would be MORE INVASIVE and require the use of MORE LAND than our proposed Wedding Venue.

**Under 7.17.040, item #2, Traffic Generation** lists as "High Impact" a water slide or fairgrounds. Under "Low Impact" a golf driving range or dude ranch is listed, with the threshold being traffic *greater than or equal to 20 trips per hour or 75 trips per day*. We have diligently counted cars the entire summer, and had a maximum of 61 cars ***PER WEEKLY event***, which is WELL UNDER THE THRESHOLD OF 75 CARS PER DAY. **Our average number of cars was 29. So under SAG 5 zoning, we would be allowed to apply for a water slide or fairgrounds, which clearly would generate much more traffic DAILY than what a wedding venue generates WEEKLY.**

**Under 7.17.040, item #3, Visibility** section addresses how obvious its presence is. High Impact examples (*under which we qualify for* in our zoning) are a water slide or ski area. Low Impact examples are a dude ranch, or a day camp. Threshold is how obvious its presence is. CLEARLY, our fields, Caretaker's Facility, and barn are NOT obvious as a Wedding Venue in any way, and they TOTALLY FIT IN with the neighborhood surroundings, much more so than would a water slide, day camp, or ski area, which are allowed under our SAG-5 Zoning.

**Under 7.17.040, item #4, Risk** addresses the possibility of danger to adjacent landowners or property. **We could, under our zoning, apply for a zoo or rifle range.** These are High Impact uses, which obviously are MUCH MORE dangerous or risky to neighbors than our proposed Wedding Venue.

**In summary, and this is probably the most important section of the entire Site Suitability Plan, the allowable High Impact Uses for SAG-5 Zoning are ALL MUCH MORE invasive, intrusive, visual, noisy, traffic generating than a Wedding Venue.**

**(2) noise or vibration**

This has been the complaint of neighbors. Therefore, we have been taking decibel readings using a scientifically accurate (and truthful) application on our i-pad, and will continue to take readings at events until our last Wedding is over with, and will bring





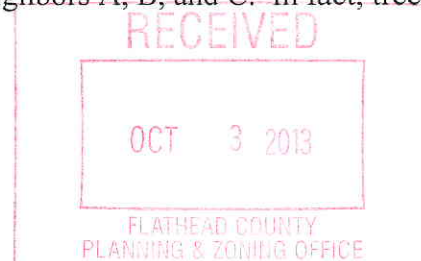
those additional readings to the hearing with the Board on November 5. As you can see by the multiple graphs that are a part of this application, the loudest music/noise since we started to take readings was at a decibel reading of 78. The music at this wedding was what we would call “loud”, though two have been louder (one in June, which generated the initial complaints from neighbors, and one in July), and **about one fifth have had no music of any kind whatsoever.** At 1000 feet away, that highest reading of 78 diminishes to well under 30 decibels (see pages # 13-15), which is much quieter than a “babbling brook” (see page #16) or a “whisper”, and quieter than a computer fan or a refrigerator running. (These are not our terms, rather they are terms used on Noise Level Chart, page 16, that was accessed online from a scientific website.)

But for the sake of discussion, **let’s take an extreme and purely scientific example of the very loud sound of a hunting rifle going off.** **NOTE: A RIFLE RANGE IS ALLOWED UNDER CONDITIONAL USES FOR OUR ZONING.** **If hunting rifles went off constantly over several minutes,** they would produce a decibel of 134. **HOWEVER,** at 1,000 feet away, that decibel is diminished to about 76 (See page 13). A decibel of 76 is equal to a vacuum cleaner or a toilet flushing, and is within “acceptable” range, according to scientific graphs. Other websites indicate a reading of 76 is equal to the sound of a dishwasher, shower, or air conditioning running. **But this is for hunting rifles going off continuously in this extreme situation (which again, IS allowable as a Conditional Use under our zoning), which is much louder than music, which we have been measuring for three months.**

*Now, see page 17 for a list of decibel readings at Wheat Montana in late afternoon a few weeks ago. **Those readings show HIGHER readings than a neighbor at 1,000 feet would hear if we shot off hunting rifles continuously near our barn.** Yet nobody would claim the noise inside Wheat Montana at 4 p.m. is so loud that you cannot carry on a conversation.*

***One neighbor complains she cannot sit outside her home in the evening and visit with friends because of the loud noise, yet we see by this scientific example that a hunting rifle generates LESS noise ...by the time that noise travels 1,000 feet to our nearest neighbor....than one would hear inside Wheat Montana at 4:00 in the afternoon.***

We’ve also taken readings on McCaffery Road during the loudest music, to ascertain if the large forested areas dampen the sound to Neighbors A, B, and C. In fact, trees DO





dramatically dampen sound, so it is understandable why the two County Sheriffs would indicate they heard music one evening when they turned onto McCaffery Road. On page 36, you can see that **ON** McCaffery Road, the sound was at a decibel of 53 AT ITS HIGHEST MOMENT, which is why the Sheriff could hear the sound. Additional and numerous readings taken just inside forested areas between our property and neighbors, however, show that the sound is diminished by tree buffers.

In visiting in person with several neighbors, "Joe" across McCaffery Road (north) of us, indicated he could hear music 3-4 times total during the summer months; but if he used his air conditioning during those 3-4 times that he could hear music, the air conditioner "drowned" out the music, so that he could no longer hear the music at all. There are NO TREES between our barn and his property to the north. **So his comment verifies that the music is LESS NOISY at 1,000 feet than an air conditioner.** For him to have only heard the music 3-4 times also verifies that 80% of the time, no music can be heard at 1,000 feet.

We will be taking additional readings until the hearing on November 5 and present to the Board at that time.

**(3) dust, glare or heat**

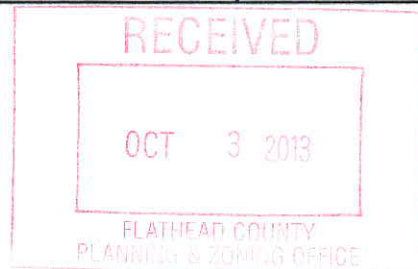
There will not be any additional dust, glare or heat generated by the use of property for events.

**4) smoke, fumes, gas, or odors**

The only odor that may be generated would be if a pig is being roasted for a meal. But because we are 1,000 feet or more in distance from our neighbors, we doubt any BBQ smell would carry that far. No smoke, no fumes, no gas odors. Under Flathead County Zoning Regulations, section 3.08.030 lists "sewage treatment plant" as a conditional use, which clearly would produce a MUCH more distasteful aroma than occasionally roasting a pig.

**(5) inappropriate hours of operation**

There was one wedding in July 2013 that had very loud music, and it went past midnight, but NOT "into the wee hours of morning", as neighbors have claimed. That wedding was the latest one we had, and they were all gone by 1:30 a.m. For that one, neighbors called the Sheriff, and when the Sheriff arrived, guests were asked to turn the music down. They turned it down. After that wedding, we have ensured that all guests depart by midnight at the latest. To show additional good faith and out of concern for our neighbors, we propose that we'll ask guests to turn music down at 10:30, and completely off at 11:30. We will continue to require Guests be departed by midnight AT THE LATEST. Also, that one particularly loud wedding had their music set up and amplified **outside** the barn, so we will also require that all music be INSIDE the barn, which helps diminish the sound volume. We had another loud gathering on September 7, but **as you can see by the included charts, that particular wedding would not have "qualified" for our**



closest neighbor hearing any noise whatsoever. Further, about one fourth of our weddings already have all guests departed by 10 p.m.

Finally, although the issue of economics is not addressed in this application, we believe the issue should be addressed, especially because of the poor, less than robust economy we are still experiencing. The approval of our application will bring a lot of money into the Flathead Valley, since MOST (over 75%) of our events this summer were held by people from out of town, state, and country.

See page 31 for a summation from one bride on her estimate of revenue brought into the Flathead by her wedding being held here, which was an averaged-sized wedding of about 120-150 guests. Her estimate is about \$150,000. Multiply that by 24 weddings, and you have \$3,600,000 generated by Ten Arrows Ranch. This is a GOOD THING for The Valley. And the out of town guests don't stay! They just come in and spend money.

Our largest wedding was with people from Los Angeles, and guests came from as far away as Australia and Belgium. That wedding gave me an estimate of approximately 150 guests that stayed in motels, ate food in restaurants, bought gas, bought gifts, shopped, IN ADDITION to the Bride and wedding party hiring local catering, local florists, photographers, wedding planner, videographers, dj, cake/dessert chefs, tux rentals, hairstylists and manicures. Several of "my" brides have told me that if they hadn't found and used Ten Arrows Ranch as their wedding venue, they likely would have chosen another venue from outside Flathead Valley. They chose us because they liked our gorgeous panoramic view of the mountains *with no houses in sight*, our big and beautiful barn, and our hospitality.

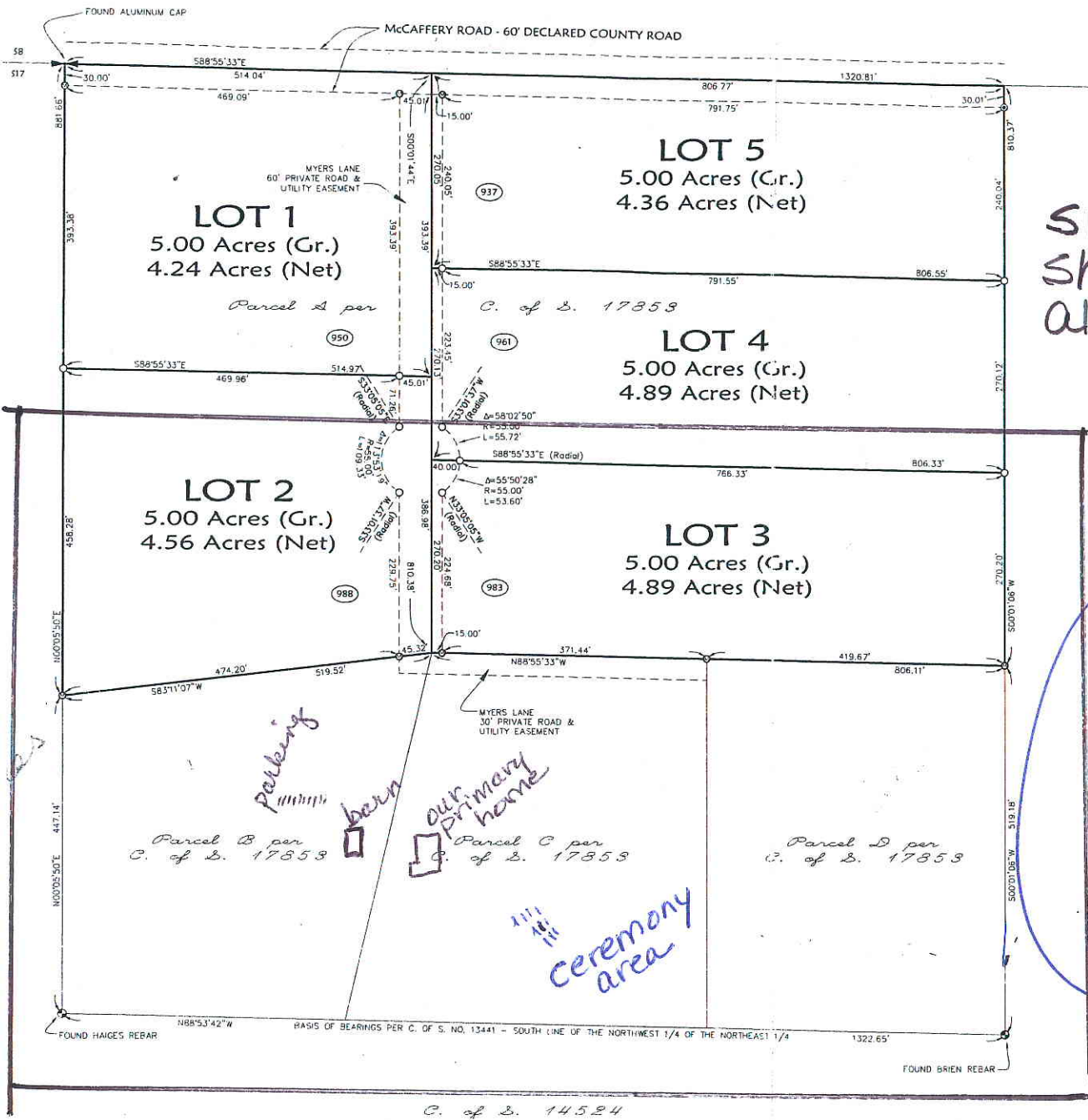
We respectfully request that the Board of Variances approve our application for a Conditional Use Permit.

Page 8





Subdivision Plat of  
**TEN ARROWS RANCH**  
 NW 1/4 of the NE 1/4 of Section 17, T27N R19W, P.M., M.  
 Flathead County, Montana

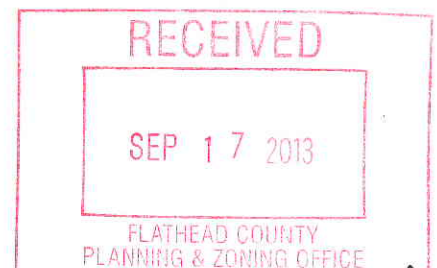


**LEGEND**

- FOUND 1/4 CORNER AS NOTED
- FOUND 1/16 CORNER AS NOTED
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "73285"
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "BRIEN 76815"
- SET 5/8" BY 24" REBAR WITH PLASTIC CAP MARKED "73285"
- PHYSICAL ADDRESS - MYERS LANE

**NOTES:**

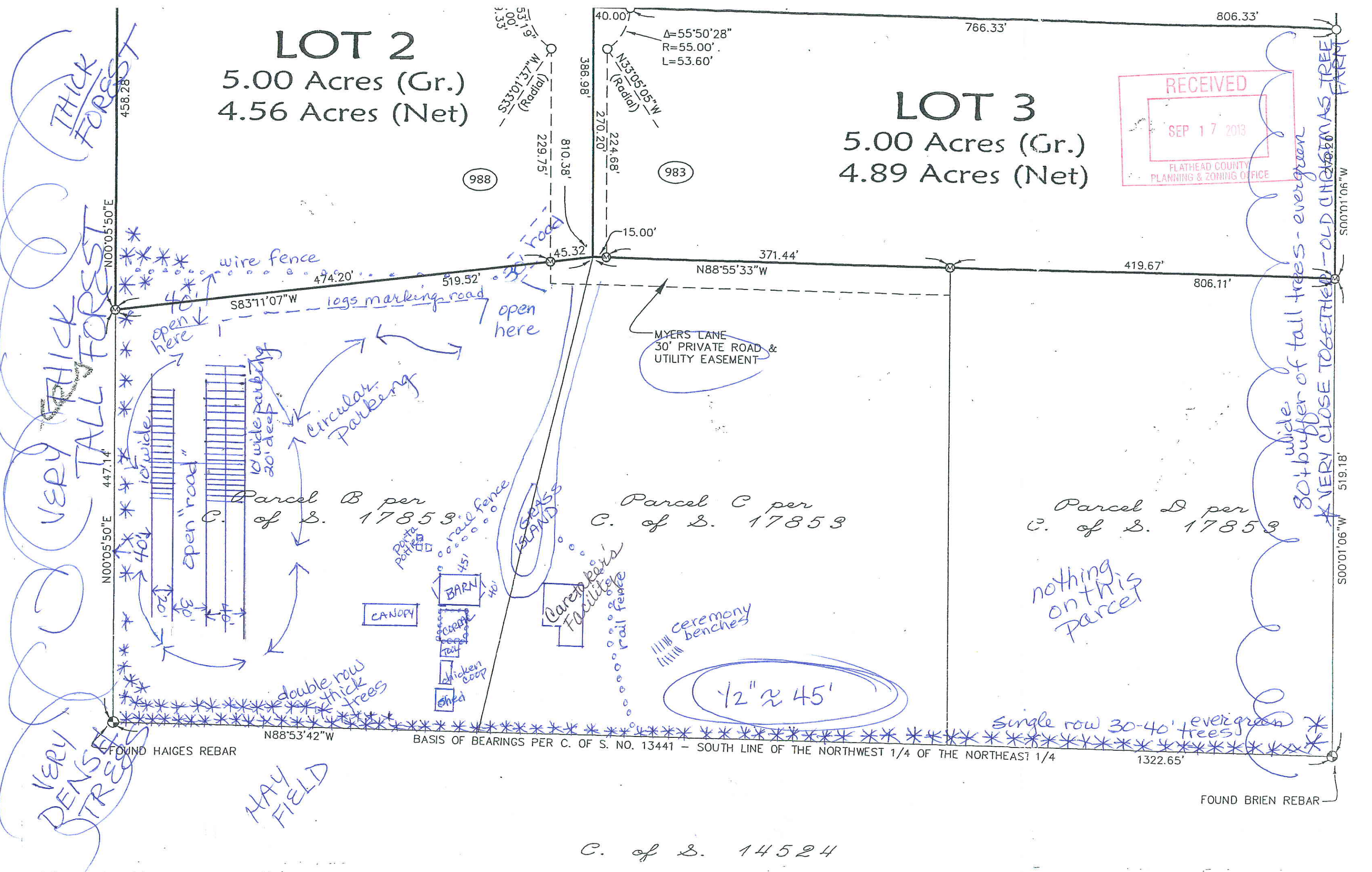
- A. ALL HOUSE ADDRESSES SHALL BE VISIBLE FROM THE ROAD, EITHER AT THE DRIVEWAY ENTRANCE OR ON THE HOUSE.
- B. ALL UTILITIES SHALL BE EXTENDED UNDERGROUND.
- C. LOT OWNERS ARE RESPONSIBLE FOR THE ERADICATION AND CONTROL OF NOXIOUS WEEDS UPON THEIR PROPERTY.





**LOT 2**  
5.00 Acres (Gr.)  
4.56 Acres (Net)

**LOT 3**  
5.00 Acres (Gr.)  
4.89 Acres (Net)



C. of S. 14524